

## Minutes

### Carlisle Planning Board - Selectmen - Joint Meeting

Sept. 9, 1968

Present were: J. Davis      H. Hosmer      F. Smith  
J. Taylor      C. Evans      D. Spaulding  
D. Bickford      J. Macone      T. Herndon  
N. Melone

The Planning Board took up the "Tricorn Homes" subdivision recommendations of Mr. Perley, as outlined in the minutes of Aug. 26, and in the Board's letter of Aug. 31 to Mr. R. Connelly of "Tricorn Homes." Since the tying of possible interceptor drains, that might be required by the Board of Health, into the road drainage system seemed, in Mr. Perley's opinion, to be a very difficult scheme to engineer without pertinent data, the Board decided to require the legend, "All interceptor drains for leaching fields at elevations greater than road elevations, where Required by Carlisle Board of Health, shall be designed to discharge directly into the catch basins along the road." It was felt, both by Mr. Perley and the Board, that this would protect the road from water damage by providing a sufficiently flexible scheme to adequately accomodate whatever additional drainage that might occur with an undefined number of interceptor drains. The Board agreed to require changes 1 thru 6 as outlined in the Board's letter of Aug. 31, and also request item 8 (firehole) be constructed.

#### Joint Meeting

Mr. Hosmer took up the matter of long range planning for improvement and modification of existing town roads by inquiring whether it might be a useful Planning Board function to originate priorities for specific improvements. Mr. Bickford noted that certainly the Highway Surveyor needed backup and groundrules to work from. Mr. Davis added that the many open questions about right of ways and easements should be answered in a more formal manner than heretofor. Mr. Hosmer suggested that it might be wise to have a member from the Selectmen and the Planning Board do the spade work on such a project. The question arose as to what sequence should be followed in this regard, and Mr. Hosmer thought it would be reasonable to decide what roads should be improved in what order, and then undertake such surveying and right of way work as might be required in each individual case.

The possibility of updating the "Benjamin Report" was discussed. Mr. Davis thought that it was obsolete in many cases and should be revised. Mr. Hosmer noted that Mr. Spaulding was investigating the availability of government funds for such a revision. (Two-thirds of the cost would be paid by the Federal Government) The question was raised as to who should do the revision, and it was agreed that Mr. Benjamin would be the obvious choice if he were available, since he has a good reputation as a planner, and his past experience in Carlisle would be beneficial to such an updating. Mr. Herndon asked if, in the interim which would be one to two years, the existing report would be reissued. Mr. Bickford commented that it could be done and sent out with the revised Building Code that the Selectmen were working on. Mr. Taylor thought that it might be rather costly to do this, and Mr. Evans wondered if a good summary might not be as useful. This possibility was discussed, and stalemated on the point of how to obtain such a summary since it was felt that a great deal of work would be involved. Jean Berry asked, from the audience, whether Federal matching funds for such a revision implied any sort of Federal "strings attached". Mr. Hosmer said that the original report had had matching funds of a lesser amount, and that there had been no "strings attached" in that case, and he doubted if there would be now.

Mr. Herndon reported on the current status of the Post Office by summarizing his recent discussion with Mr. R. V. O'Malley of the Post Office Department. The Department advertised late in August for bids for building of 1200 square feet area to be leased for a five to ten year period by the Post Office Department. Such bids will be opened on Sep't 30, and assuming an acceptable bid, construction will start immediately. Mr. O'Malley said that one party had indicated strong interest in bidding, and he hoped that there

would be others. He said that he understood that possible rezoning might be required, as well as sanitary facilities and a water supply, but such items would be up to the lessor. In the meantime, the present facilities were being rented on a monthly basis until new rooms could be found.

The meeting then took up the matter of abandonment of disused town ways, and Mr. Hosmer summarized the Planning Board's views pertaining to the Town's possible responsibility to build full fledged surfaced roads in such ways should a developer insist. He pointed out that such construction could be mandatory and expensive, and that the abandonment of such ways should be explored, noting that if abandonment proceedings were not more costly than road construction, it would be wise for the Town to formally abandon these ancient ways. Such roads as Morse Road, Two Rod Road, the disused part of Baldwin Rd., part of Prospect St. and the old portion of East Street were all cited as candidates for abandonment. Mr. Melone said that he had made preliminary investigations into the legal aspects of abandonment, and that the Statutes provide that the Town may vote to discontinue roads as laid out by the Selectmen, after a public hearing prior to Town Meeting. He went on to note that persons damaged by such discontinuance could recover damages as outlined in the eminent domain statutes. Discussion of the definition of damages then ensued, and Mr. Smith asked if damage suit could not be brought for loss of access as a result of loss of right of way. It was thought that abandonment would not involve loss of right of way. Mr. Hosmer wondered if there might be a danger that damage costs would exceed those of building roads. Mr. Bickford suggested that perhaps instead of formally abandoning certain ways, it might not work as well to make the developer prove the specific way which he wishes the Town to improve is indeed a Town Way. Mr. Evans felt that the Town should consider adopting a Betterment Act whereby the owners fronting on such a road would have to bear part or all of the cost of improvement. Mr. Hosmer felt that this was a good idea insofar as developments were concerned, but it would work a heavy burden on a single lot owner wishing to build one home. Mr. Davis asked what the mechanics of abandonment involved, particularly how great a detail was needed in describing the ways to be abandoned. Mr. Melone cited one description which the courts upheld as an example, where the road was defined as, "The road leading from William Gate's to the pond." Mr. Hosmer asked Mr. Melone if the Town could accept all those ways which it did not wish to abandon and thereby effectively abandon all other ways, some of which may not be known to the Town. Mr. Melone said that this could be done. Mr. Hosmer pointed out that <sup>it is possible to</sup> permit the Town to officially accept ways which are in current use but were never accepted. Mr. Taylor noted that such action would take a great deal of definition of specific portions of particular roads. This led to the question of whether the Town would or should accept existing ancient narrow roads formally or whether such ways would have to be made into forty foot right of ways by the method of easements. Mr. Melone cited Chapter 86, Section 2 of the General Laws which states that road widths may be determined by the distance between stone walls, buildings and the like. Mr. Bickford felt that the plan of accepting all but certain roads was fraught with problems and should set aside in favor of abandonment of specific ways. Mr. Davis asked if the Town has not maintained a road for some years would it be considered as abandoned defacto? Mr. Melone said that it could not. Mr. Evans asked how a Town Way was legally established other than by vote of the Town Meeting. Mr. Melone and others noted that the basis for such a definition was, "any way dedicated to public use." Mr. Hosmer asked whether, if the Town abandoned a way and then was sued for damages, it could proceed to accept that way and forestall the damage costs. Mr. Bickford felt that this would have the unsatisfactory effect of clearly defining such a way as Town responsibility and there would be no question of the Town having to pave it. Mr. Hosmer felt that such abandonment proceedings would be the responsibility of the Selectmen, but that the Planning Board could inventory and describe disused ways for abandonment proceedings and help in whatever other manner might be appropriate. The meeting agreed on this approach.

The problem of the Town's need for additional professional engineering advice was outlined by Mr. Bickford. He explained that increasing problems with sanitary systems, dump, road renovation and Town construction all required more sophisticated engineering

answers than in the past. The Selectmen have talked with a consultant engineering firm which does work for the Town of Lincoln, and feel that retaining such an organization on an hourly basis might be wise. Mr. Hosmer wondered if this approach might not be too high powered, especially for simple questions. He cited the Planning Board's satisfactory experience with Mr. Perley, Concord's Town Engineer, with respect to new subdivisions roads, drainage and construction. Mr. Bickford thought that the Planning Board might have different problems which a person such as Mr. Perley could solve very well, but felt that the broader scope of the Selectmen and Board of Health's problems might require more diverse engineering skills. Mr. Hosmer agreed, and commented that an individual such as Mr. Perley could and had proposed adequate compromises where a large firm might be less flexible. He observed however, that the Planning Board might well consider retaining a larger firm to analyze the Board's Rules and Regulations. It was generally concluded that the Planning Board would be best served by an individual consultant as it had in the past, and that the Selectmen would continue to investigate the possibility of retaining an engineering firm.

The Selectmen then reviewed the status of their planning for a new Town Dump. It was pointed out that the present dump is wholly inadequate, and recent attempts to employ some unused area of the dump property had been unsatisfactory due to water problems. It was stated that several new locations were being considered, with possibilities in the Maple Street, Brook Street and Concord Road areas. The Planning Board was queried as to whether it had any additional site possibilities in mind, and the Board had none to suggest. Mr. Davis noted that the Board should perhaps think about the property on Concord Road in terms of future Town use, since the Selectmen planned to acquire that land whether or not it was used as a dump. Many years of back taxes are owed the Town and the land will have to be taken to settle the tax debt. Mr. Hosmer felt that the Board should do whatever it reasonably could in regards to these matters, and should keep close contact with the Selectmen.

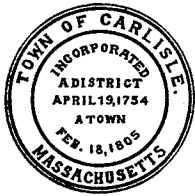
Mr. Herndon then explained his feeling that it would be wise for representatives of a number of interested Town boards and committees to meet for the purpose of establishing priorities and needs with regard to land acquisition. He thought that a land purchase program of several years duration should be as ordered as possible to minimize overloading the Town in any one year with land acquisition costs, and the resulting possibility that Town Meeting might vote down needed land because of such uneven scheduling. The meeting felt that this would be a useful approach and it was decided to set up such a meeting in the near future.

Mr. Herndon then suggested that it might be worthwhile for the Town's elected officials to emulate Lincoln's approach for acquainting new residents with the town government. He explained that Lincoln has an annual cocktail party for all new residents at which town officials are present to explain the local government set up and answer questions that may arise. As a by-product those new residents interested in local government might be encouraged to become involved in Town affairs. The meeting felt that it would be worth a try, and it was suggested that perhaps the League of Women Voters could be enlisted to help with the planning and running of such an affair, and should be approached in this regard.

Mr. Bickford wondered if the Planning Board had done any thinking about new business zoning, particularly small office type businesses. He felt that there was increasing need and pressure for a sort of "professional zoning" which would permit additional business such as the local insurance firm, computer programming consultant organizations, and the like to either make use of existing buildings in town or construct new buildings. Mr. Hosmer noted that the Board had discussed a restudy of the Town's zoning, but that the press of other business had interfered with any specific work in this direction, and that there were still several items to be worked on ahead of the zoning study. Everyone felt that this problem would become more pressing in the near future, and that it should be dealt with at the earliest opportunity, presumably by the Planning Board, with the close cooperation of the Capital Outlay Committee, and the Selectmen,

Respectfully submitted

Terry Herndon



# Town of Carlisle

MASSACHUSETTS 01741

TERRY O. HERNDON, Clerk  
Hillside Drive  
CARLISLE, MASS.

Office of  
PLANNING BOARD

August 30, 1968

THERE WILL BE A JOINT MEETING OF THE CARLISLE  
BOARD OF SELECTMEN AND PLANNING BOARD ON MON.  
SEPTEMBER 9 AT THE SELECTMEN'S OFFICE. PLANNING  
BOARD MEMBERS WILL MEET AT 7:45 P.M. AND THE  
JOINT MEETING WILL START AT 8:15 P.M.

Suggested agenda items:

1. What course of action should be followed with respect to the various Town needs for professional engineering advice?
2. Should certain disused Town Ways be abandoned, and if so, how?
3. Discuss selected Planning Board Rules and Regulations changes and related By-Law changes. Such items as road widths and rewording of the By-Law frontage definition, easements, fireholes in new subdivisions, are all instances of items of mutual interest.
4. Discuss the role of the Selectmen and/or the Planning Board in determining what roads should be widened, straightened, etc.
5. Such topics as updating the Benjamin Report, Post Office, and future land acquisition plans might warrant some brief discussion.